

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ROME DIVISION

4 UNITED STATES OF AMERICA)
5 PLAINTIFF,) DOCKET NO. 4:08CR33
6 VS.) ROME, GEORGIA
7 JAMES BARTHOLOMEW HUSKEY) MARCH 5, 2009
8 DEFENDANT.)
9 _____)

10
11 SENTENCING PROCEEDING

12 BEFORE THE HONORABLE ROBERT L. VINING, JR., SENIOR UNITED
13 STATES DISTRICT JUDGE.

14 APPEARANCES OF COUNSEL:

15
16 FOR THE GOVERNMENT: FRANCEY HAKES
17
18 FOR THE DEFENDANT: MATTHEW DODGE
19
20

21 KIMBERLY C. BRAMLETT
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1 (ROME, FLOYD COUNTY, GEORGIA, MARCH 5, 2009, IN OPEN
2 COURT.)

3 THE COURT: CRIMINAL ACTION 4:08CR33, UNITED STATES
4 OF AMERICA VERSUS JAMES HUSKEY. THE MATTER IS HERE FOR
5 SENTENCING.

6 I HAVE READ THE SENTENCING MEMORANDUM SUBMITTED BY
7 THE GOVERNMENT AND DEFENDANT. I HAVE READ LETTERS THAT HAVE
8 BEEN SUBMITTED TO ME. I HAVE READ MS. JACKSON'S REPORT ON
9 RESTITUTION. I HAVE LOOKED AT ONE OF THE DISK AND GONE THROUGH
10 THE PRESENTENCE THOROUGHLY.

11 I FIND A NUMBER OF ITEMS IN THE PRESENTENCE THAT I
12 TAKE MERELY, COUNSEL, JUST TO BE EXPLANATION OF SOMETHING THE
13 PROBATION OFFICER REPORTED. I DON'T SEE IT AS REALLY AN
14 OBJECTION TO THE VARIOUS PARTS; AM I CORRECT?

15 MR. DODGE: YES, YOU ARE RIGHT, JUDGE.

16 THE COURT: AND I DON'T SEE ANY REAL OBJECTION TO THE
17 PRESENTENCE REPORT; AM I CORRECT?

18 MR. DODGE: THAT IS CORRECT, JUDGE. I HAD -- IN MY
19 OBJECTIONS QUIBBLED WITH THE PROBATION OFFICER'S DETERMINATION
20 OF THE 5G1.2 THAT A 70-YEAR SENTENCE IS NECESSARY TO MEET THE
21 GUIDELINE'S RECOMMENDATION OF LIFE. THE NUMBER 70 IS
22 ARBITRARY. MR. HUSKEY IS IN HIS LATE THIRTIES. ANYTHING
23 APPROACHING 70 IS IN EFFECT A LIFE SENTENCE. I DON'T CONSIDER
24 THAT TO BE A GUIDELINE OBJECTION. IF THE COURT WOULD LIKE ME I
25 CAN GO AHEAD AND MAKE SURE THAT I CONCEDE THAT IS NOT AN

1 OBJECTION TO THE GUIDELINES. I THINK MR. JEFFERS DID DO THAT
2 ACCURATELY, ALTHOUGH WE THINK THAT IS NOT A REASONABLE
3 SENTENCE, OF COURSE.

4 THE COURT: ALL RIGHT.

5 DOES THE GOVERNMENT HAVE ANYTHING TO OFFER BEFORE I
6 SENTENCE MR. HUSKEY?

7 MS. HAKES: YOUR HONOR, THIS IS MY FIRST SENTENCE IN
8 FRONT OF THIS COURT. I DON'T KNOW WHEN THE COURT WOULD LIKE
9 THE GOVERNMENT'S ARGUMENT AS TO WHAT A REASONABLE SENTENCE IS.

10 THE COURT: RIGHT NOW.

11 MS. HAKES: WELL, I AM HAPPY TO GIVE IT TO YOU RIGHT
12 NOW, THEN.

13 FIRST, AS TO MR. DODGE'S COMMENTS AS TO THE
14 APPLICATION OF 5G1.2, I BELIEVE HE IS CONCEDED THAT
15 MR. JEFFERS CORRECTLY CALCULATED. AND, OF COURSE, AS I CITED
16 IN MY SENTENCING MEMORANDUM, THE ELEVENTH CIRCUIT HAS HELD
17 5G1.2 IS CORRECTLY APPLIED IN A CASE LIKE THIS WHERE THE
18 GUIDELINES ARE LIFE, THEN THE STATUTORY MAXIMUM OF EACH
19 SENTENCE IMPOSED CONSECUTIVELY BECOMES THE GUIDELINE SENTENCE,
20 WHICH HERE IS 70 YEARS.

21 MR. DODGE IS ARGUING TO THE COURT IN HIS SENTENCING
22 MEMO AND I EXPECT HIM TO GET UP AND ARGUE TO YOU IN JUST A FEW
23 MINUTES THAT A MUCH LOWER SENTENCE THAN 70 YEARS IS A
24 REASONABLE SENTENCE IN THIS CASE.

25 YOUR HONOR, THE GOVERNMENT SUBMITS A 70-YEAR SENTENCE

1 IS REASONABLE IN THIS CASE FOR A VARIETY OF REASONS. FIRST,
2 AND MOST IMPORTANTLY I WOULD NOTE TO THE COURT THAT WHILE
3 SENTENCING CERTAINLY IS ALWAYS AND APPROPRIATELY LARGELY ABOUT
4 THE DEFENDANT, BECAUSE IT IS THE DEFENDANT'S FUTURE THAT THE
5 COURT IS DETERMINING HERE TODAY, AND I AM SURE THE COURT WOULD
6 NEVER FORGET THERE IS A VICTIM. I DO WORRY THE GOVERNMENT
7 SOMETIMES THINKS THAT SENTENCING COMPLETELY OVERLOOKS THE
8 VICTIMS IN THE CASE. OBVIOUSLY THE CHILD IS NOT HERE IN COURT
9 TODAY AND THAT IS REALLY A GOOD THING. SHE SHOULD NOT BE HERE
10 IN COURT TODAY. BUT HER MOTHER HAS SUBMITTED A VICTIM IMPACT
11 STATEMENT WHICH I KNOW THE COURT SAID YOU HAD READ.

12 ADDITIONALLY, AND EQUALLY IMPORTANT TO THAT IMPACT
13 STATEMENT FROM THE CHILD'S MOTHER, YOUR HONOR, WAS THE LETTER
14 FROM THE CHILD'S TREATING THERAPIST WHO INDICATED ALL OF THE
15 DIFFERENT PROBLEMS THAT THE CHILD IS LIKELY TO EXPERIENCE IN
16 HER LIFE. I JUST WOULD LIKE THE COURT TO FOCUS IN DETERMINING
17 WHETHER OR NOT SENTENCING AT 70 YEARS IS REASONABLE ON THE KIND
18 OF CONDUCT THAT BROUGHT US HERE.

19 SEVERAL THINGS STRUCK ME IN MR. DODGE'S SENTENCING
20 MEMORANDUM, ONE OF WHICH WAS WHERE MR. DODGE SAID THAT THE
21 COURT SHOULD NOT BE LOOKING AT THE SEXUAL ABUSE; THAT REALLY
22 THE FEDERAL JURISDICTION ONLY COMES INTO PLAY WHEN MR. HUSKEY
23 TURNED THE CAMERA ON. WELL, OF COURSE THE STATUTE REQUIRED
24 THERE COULD BE SEXUAL ABUSE. IT MERELY REQUIRES THAT SEXUAL
25 ABUSE TO HAVE BEEN TRANSMITTED IN INTERSTATE COMMERCE. SO,

1 SEXUAL ABUSE IS MOST ASSUREDLY AT ISSUE HERE TODAY.

2 WE ARE HERE IN THIS COURTROOM BECAUSE OF WHAT
3 MR. HUSKEY DID. MR. DODGE ALSO ARGUES THAT MR. HUSKEY MERITS A
4 LOWER SENTENCE THAN 70 YEARS BECAUSE OF WHAT HE CALLS HIS
5 REMARKABLE ACCEPTANCE OF RESPONSIBILITY AND BECAUSE OF HIS
6 ATTEMPT TO AID THE GOVERNMENT IN INVESTIGATING OTHER CHILD
7 PORNOGRAPHY TRAFFICKERS. I WOULD LIKE TO HANDLE BOTH OF THOSE
8 IN TURN, IF I MAY, YOUR HONOR.

9 MR. DODGE SAYS THAT MR. HUSKEY'S ACCEPTANCE OF
10 RESPONSIBILITY WAS REMARKABLE IN THIS CASE. AND I WOULD ARGUE
11 THE OPPOSITE IS TRUE. WHAT CHOICE DID MR. HUSKEY HAVE WHEN
12 FACED WITH THE EVIDENCE OF HIMSELF ON VIDEO TAPES SEXUALLY
13 ASSAULTING HIS CHILD FOR YEARS. HE HAD NO CHOICE. THERE WERE
14 NO DEFENSES. HE CERTAINLY COULDN'T THROW HIMSELF ON THE MERCY
15 OF A JURY. THEY WOULD, I IMAGINE, HAVE NONE. HE CERTAINLY
16 COULD NOT SAY IT WAS NOT HIM. IT IS VERY CLEARLY MR. HUSKEY ON
17 THE VIDEOS AND YOU, YOUR HONOR, IN THE DISK THE GOVERNMENT
18 SUBMITTED THAT YOU'VE SEEN YOURSELF. YOU HAVE SEEN THAT. YOU
19 HAVE SEEN THE IMAGES OF MR. HUSKEY NUDE RAPING HIS CHILD WITH
20 HIS TENNIS SHOES ON. THAT IS REALLY EMBLEMATIC OF WHAT HE DID
21 TO THIS CHILD OVER A PERIOD OF YEARS. AND SOMEHOW IT STRUCK
22 THE GOVERNMENT, THAT ONE VIDEO, WHILE DEFENDANT SEXUALLY
23 ASSAULTS, ANALLY SODOMIZES HIS CHILD WHILE HE IS COMPLETELY
24 NUDE BUT STILL WEARING HIS TENNIS SHOES.

25 IT BOGGLES THE MIND THE WAY HE TREATED THE CHILD. AS

1 YOU SAW ON THE VIDEOS, YOUR HONOR, THAT THE GOVERNMENT
2 SUBMITTED, HE TREATS HER BRUTALLY. HE CALLS HER NAMES. HE IS
3 ROUGH WITH HER. HE PUTS A KNIFE TO HER THROAT AND TO HER
4 GENITALS. HE PULLS HER HAIR AND THROUGH IT ALL WHEN YOU WATCH
5 THE VIDEOS, YOU CAN BE STRUCK BY WHAT IS APPARENTLY THE MOST
6 IMPORTANT THING TO HIM -- HOW MUCH SHE LOOKS TO BE SUFFERING
7 AND IS THE CAMERA ANGLE GOOD ENOUGH.

8 IN THESE VIDEOS YOU SEE REPEATEDLY MR. HUSKEY
9 CHANGING THE CAMERA ANGLES OVER AND OVER AGAIN TO MAKE SURE
10 THAT HE IS POINTING TO JUST THE RIGHT SPOT WHILE HE IS SEXUALLY
11 ASSAULTING THE CHILD. AT THE END OF ONE PARTICULARLY BRUTAL
12 VIDEO WHERE HE TAKES A VARIETY OF LARGE OBJECTS AND PENETRATES
13 THE CHILD'S ANUS WITH THEM REPEATEDLY, HE FOCUSES THE CAMERA
14 DOWN ON THE CHILD'S ANUS, SPREADS THE CHILD'S RECTUM SO IT CAN
15 BE SEEN ON THE CAMERA, AND THEN MAKES WHAT I CAN ONLY DESCRIBE
16 AS COOING NOISES ABOUT HOW WONDERFUL IT LOOKS THAT THE CHILD IS
17 NOW RED, RAW AND MIGHT EVEN BE BLEEDING. IT'S HARD TO TELL
18 FROM THE VIDEO. THAT IS WHAT THE DEFENDANT RECEIVED ENJOYMENT
19 FROM DOING. THAT IS HARDLY REMARKABLE GIVEN THOSE VIDEOS,
20 GIVEN THE NATURE OF THE VIDEOS THAT THE DEFENDANT HAS CHOSEN TO
21 PLEAD GUILTY IN THIS CASE. IT IS NOT REMARKABLE THAT HE
22 CONFESSED TO HIS CRIME WHEN AGENT YODER KNOCKED ON HIS DOOR
23 LAST JUNE. HE WAS ON VIDEO AND KNEW IT.

24 THE CHILD ADMITTED THE CRIMES THAT HAD BEEN COMMITTED
25 AGAINST HER. AND REMARKABLE THINGS ABOUT THE CHILD IN THIS

1 CASE ARE THAT SHE IS GOING TO SUFFER THE REST OF HER LIFE. YOU
2 HEARD SPECIFICALLY IN THE LETTER FROM HER THERAPIST THE ODDS
3 SHE FACES. SHE FACES AN INCREASED RISK OF PROSECUTION;
4 DEPRESSION; SUICIDE. SHE MAY VERY WELL BECOME VICTIMIZED AGAIN
5 IN HER LIFE OR BE EVEN WORSE CASE SCENARIO BECAUSE OF A VERY
6 EARLY START THAT THIS DEFENDANT CHOSE TO ENGAGE IN SEXUALLY
7 ASSAULTING HER, SHE MAY VERY WELL END UP BEING AT HIGHER RISK
8 TO BE AN OFFENDER HERSELF.

9 THE THERAPIST SAID SHE NOW ASSOCIATES SEXUAL ACTIVITY
10 WITH PAIN BECAUSE HER FATHER, HER FATHER TAUGHT HER THAT. WHEN
11 MOST LITTLE GIRLS ARE LEARNING TO RIDE THEIR BIKE OR LEARN, AS
12 MR. HUSKEY TAUGHT OTHER CHILDREN TO SWING A TENNIS RACKET, THIS
13 CHILD WAS LEARNING HOW TO PLACE HER MOUTH ON HIS PENIS. WHILE
14 OTHER CHILDREN ARE THINKING OF SCHOOL OR SUMMER CAMP, THIS
15 CHILD WAS WONDERING WHICH SEX OBJECT THE DEFENDANT WOULD USE IN
16 THE ANUS NEXT.

17 THESE ARE THINGS NO CHILD SHOULD EVER HAVE TO LEARN.
18 AND YET MR. HUSKEY CALLS HIS ACCEPTANCE OF RESPONSIBILITY
19 REMARKABLE. AND SAYS REPEATEDLY IN HIS MEMO THAT HE IS A
20 PENITENT MAN; THAT HE HAS REPENTED OF HIS SINS. WELL, THE
21 CHILD SPECIFICALLY SAID THAT THE DAY OF HIS ARREST WAS THE LAST
22 TIME HE SEXUALLY ASSAULTED HER. THAT'S BECAUSE HE WAS THEN
23 UNDER ARREST AND HAS NEVER AGAIN HAD THE OPPORTUNITY TO
24 SEXUALLY ASSAULT HER. IT IS NOT BECAUSE THE DEFENDANT HAS
25 SHOWN ANY REPENTANCE. IT IS EASY TO SHOW REPENTANCE ONCE YOU

1 HAVE HANDCUFFS ON YOUR WRISTS AND YOU ARE LOCKED IN A CELL.

2 HIS RESPONSIBILITY IN THIS CASE, YOUR HONOR, HIS
3 ACCEPTANCE, IS MERELY PRO FORMA. HE KNOWS THE ONLY WAY HE CAN
4 CONVINCE THE COURT TO GIVE HIM WHAT HE DEEMS A REASONABLE
5 SENTENCE IS TO CLAIM THAT HIS ACCEPTANCE OF RESPONSIBILITY IS
6 REMARKABLE. IN FACT, IT IS NOT. HE HAS SHOWN FOR YEARS HIS
7 ENJOYMENT OF THE ASSAULT OF THIS CHILD, AND THAT ENJOYMENT
8 COMES THROUGH VERY CLEARLY ON THE VIDEOS AND THE IMAGES.

9 THE DEFENDANT HAS DONE MORE THAN SIMPLY ASSAULT HIS
10 CHILD. CLEARLY THE INTERNET IS THE MECHANISM THAT GIVES US
11 JURISDICTION IN THIS CASE. THE DEFENDANT SENT THESE IMAGES OUT
12 OVER THE INTERNET. I WILL SHOW THE COURT AGAIN -- I TENDERED
13 THIS AT THE PLEA HEARING, GOVERNMENT'S EXHIBIT NO. 1. THIS IS
14 A GRAPHIC, YOUR HONOR, THAT SHOWS JUST IN THE UNITED STATES
15 ALONE, IT SHOWS THE NUMBER OF CASES THAT ARE BEING INVESTIGATED
16 WHERE HIS DAUGHTER'S IMAGES HAVE BEEN DISCOVERED. AND WHAT IS
17 MOST REMARKABLE ABOUT THIS GRAPHIC, YOUR HONOR, IS THAT THESE
18 CASES HAVE ONLY BEEN LOGGED BETWEEN JUNE 2008 AND NOVEMBER
19 2008. THAT IS THEY ONLY BEGIN LOGGING INVESTIGATIONS WHEN THE
20 CHILD BECOMES KNOWN.

21 AGENT YODER IS THE SPECIAL WHO IS NOW GOING TO BE
22 ASSIGNED TO TESTIFY ABOUT THESE IMAGES SHOULD THEY ARISE IN ANY
23 OF THESE CASES IF THESE CASES GO TO TRIAL OR FOR SENTENCING
24 PURPOSES. HE WAS IN JAPAN A FEW MONTHS AGO, YOUR HONOR,
25 TESTIFYING BECAUSE THESE IMAGES HAVE MADE THEIR WAY THERE AS

1 WELL.

2 THIS CHILD KNOWS THAT THESE IMAGES HAVE BEEN SHARED
3 THROUGHOUT THE INTERNET. SHE SAID SO IN HER STATEMENTS AND THE
4 DEFENDANT ADMITTED HE HAS SHOWN THEM TO HER. SHE IS WELL AWARE
5 THAT THE DEFENDANT WAS SHARING HER IMAGES WITH OTHERS, AND IN
6 FACT SHE WAS WELL AWARE THAT HE USED THE KNIFE TO SATISFY THE
7 SEXUAL DESIRES OF OTHERS WATCHING. SHE SPECIFICALLY SAID THAT
8 IN HER INTERVIEW.

9 THE CHILD IS NEVER GOING TO BE ABLE TO GET THOSE
10 IMAGES BACK. WE SEE, AS I SAID IN MY SENTENCING MEMO, IMAGES
11 THAT CREATED DECADES AGO STILL BEING TRADED AND ADVERSELY
12 SOUGHT BY THOSE WHO COLLECT THESE KIND OF IMAGES. AS YOU KNOW
13 FROM THE PLEA AND FROM THE GOVERNMENT'S SENTENCING MEMORANDUM,
14 THESE IMAGES WERE FIRST SEEN, AND THEY ARE NOT ON THIS CHART,
15 WERE SEEN IN AUSTRALIA IN 2006. THAT IS HOW FAR THE
16 DEFENDANT'S DEPRAVITY HAS TAKEN THIS POOR CHILD'S SEXUAL ABUSE,
17 ALL ACROSS THE WORLD LITERALLY. THESE ARE THINGS SHE WILL HAVE
18 TO LIVE WITH THE REST OF HER LIFE. IF SHE LIVES TO 80, SHE
19 WILL SUFFER THE CONSEQUENCES OF WHAT HE HAS DONE.

20 HE SAYS THAT HIS ATTEMPTS TO AID THE GOVERNMENT IN
21 FINDING CHILD PORNOGRAPHY TRAFFICKERS SHOULD ALLOW HIM A LOWER
22 SENTENCE THAN THE 70 YEARS AND MAKE A LOWER SENTENCE REASONABLE
23 FOR HIM. WELL, YOUR HONOR, HE DID NOT AID THE GOVERNMENT IN
24 INVESTIGATING ANY CHILD PORNOGRAPHY TRAFFICKERS.

25 IT IS TRUE THE GOVERNMENT ENGAGED IN A LENGTHY

1 DEBRIEFING SESSION WITH THE DEFENDANT IN WHICH HE TALKED MOSTLY
2 ABOUT THIS CASE AND HIS ACTIONS IN THIS CASE. HE HAD NO NAMES.
3 HE HAD NO EMAIL ADDRESSES. HE HAD NO WAY FOR THE GOVERNMENT TO
4 FIND A SINGLE PERSON, A SINGLE REAL PERSON THAT MIGHT HAVE BEEN
5 TRAFFICKING IN THESE IMAGES. HIS ATTEMPTS TO DEBRIEF, I WOULD
6 ARGUE, WERE MERELY A CYNICAL PLOY SO HE COULD STAND HERE AND
7 TELL THE COURT THAT HE HAS TRIED TO AID THE GOVERNMENT SO HE
8 CAN TRY TO GET A LOWER SENTENCE.

9 IN THE GOVERNMENT'S OPINION, YOUR HONOR, IN THIS
10 CASE, THE DEFENDANT -- BECAUSE OF THE 3553 FACTORS, THERE ARE A
11 LOT OF THINGS FOR THE COURT TO CONSIDER IN THIS CASE.
12 MR. DODGE ARGUES IN HIS SENTENCING MEMORANDUM THAT THE
13 DEFENDANT'S HISTORY IS HONORABLE. HE ACTUALLY SAYS THAT IN HIS
14 SENTENCING MEMORANDUM. BECAUSE THERE ARE NO PRIOR ARRESTS, THE
15 DEFENDANT'S HISTORY IS HONORABLE. WHAT IS HONORABLE ABOUT
16 SEXUALLY ASSAULTING A CHILD CALLING HER VILE NAMES AND SHARING
17 THAT OVER THE INTERNET FOR FOUR YEARS? WHAT IS HONORABLE ABOUT
18 ASSAULTING A CHILD WITH JUST YOUR TENNIS SHOES ON? WHAT IS
19 HONORABLE ABOUT REJOICING
20 IN THE CHILD'S CLEAR EXPRESSIONS OF PAIN? WHAT IS HONORABLE
21 ABOUT SPENDING YOUR TIME IN YOUR OWN MARITAL BED WITH YOUR 5,
22 6, 7, 8, AND 9-YEAR OLD DAUGHTER ASSAULTING HER? WHAT IS
23 HONORABLE ABOUT TEACHING HER HOW TO USE HER FINGERS TO
24 MANIPULATE HERSELF SO HE CAN PUT THE CAMERA ON HER? WHAT IS
25 HONORABLE ABOUT ANY SINGLE THING THE DEFENDANT HAS DONE WITH

1 RESPECT TO HIS DAUGHTER IN THE LAST FIVE YEARS? NOT ONE THING.
2 AND HIS REMORSE AND HIS CLAIMS THAT THE COURT SHOULD GIVE HIM
3 CREDIT FOR NOT BEING ARRESTED ARE SOMEWHAT DISINGENUOUS,
4 CONSIDERING OVER THE LAST FIVE YEARS HE COMMITTED HOW MANY
5 DIFFERENT OFFENSES AGAINST THAT CHILD FOR WHICH HE SHOULD HAVE
6 BEEN SHACKLED IMMEDIATELY.

7 THE FACT HE WENT UNDETECTED IS WHAT IS SHOCKING HERE
8 AND IS NO TRIBUTE TO THE DEFENDANT. IT IS A SAD COMMENTARY ON
9 OUR SOCIETY THAT THE DEFENDANT COULD DO WHAT IS IN EFFECT A
10 PUBLIC SEXUAL ASSAULT REPEATEDLY OF THIS CHILD AND AVOID
11 DETECTION FOR SO LONG.

12 FORTUNATELY, LAW ENFORCEMENT HAS NOW LEARNED TO
13 COOPERATE WITH EACH OTHER AND HAS MANY, MANY WAYS TO SHARE
14 INFORMATION ACROSS COUNTRY LINES AND THANK GOD FOR THAT.
15 BECAUSE BUT FOR THE EFFORTS OF LAW ENFORCEMENT WORLDWIDE, THIS
16 DEFENDANT WOULD STILL BE ABUSING HIS CHILD. THAT IS WHAT IS
17 IMPORTANT TO RECALL IN THIS SENTENCING HEARING, YOUR HONOR, IS
18 THAT BUT FOR SPECIAL AGENT YODER AND THOSE LIKE HIM ACROSS THE
19 WORLD, THIS CHILD WOULD STILL BE GETTING RAPED ON A WEEKLY
20 BASIS BY THIS DEFENDANT. THERE IS ABSOLUTELY NO SIGN TO
21 SUGGEST HE WAS STOPPING. HE ASSAULTED HER THE DAY OF HIS
22 ARREST.

23 HE HAD DOZENS, HUNDREDS OF IMAGES OF THIS CHILD ON
24 HIS COMPUTER AND IN ADDITION HE HAD OTHER IMAGES OF OTHER
25 CHILDREN BEING SEXUALLY ASSAULTED ON HIS COMPUTER. THERE IS

1 NOT ONE SINGLE SIGN THAT BUT FOR LAW ENFORCEMENT THIS CHILD
2 WOULD NOT STILL BE GETTING PENETRATED BY OBJECTS AND THE
3 DEFENDANT ON A WEEKLY BASIS AT LEAST.

4 THE CHILD IS GOING TO SUFFER FOR THE REST OF HER
5 LIFE. IT SEEMS TO THE GOVERNMENT, YOUR HONOR, BASED UPON THE
6 NATURE AND CIRCUMSTANCES OF THIS OFFENSE WHICH ARE AS HEINOUS
7 AS THEY COME, SHORT OF MURDER. AND WHAT IS SOMEWHAT DIFFERENT
8 RESPECTS THAN AT A MURDER, THE CHILD DIDN'T LOSE HER LIFE BUT
9 SHE CERTAINLY LOST HER INNOCENCE. HOW MUCH IS THAT WORTH? HOW
10 MANY YEARS IS THE INNOCENCE OF A CHILD WORTH? HOW MANY YEARS
11 IS THE EMOTIONAL DAMAGE HE HAS CAUSED HER WORTH? HOW MANY
12 YEARS OF TREATMENT WILL SHE NEED? HOW MANY YEARS IS THAT WORTH
13 IN THE CRIMINAL JUSTICE SYSTEM? HOW MANY IMAGES OF HER FLOAT
14 AROUND THE WORLD? SHOULD WE DO A MATHEMATICAL CALCULATION TO
15 DETERMINE HOW MANY TIMES HE SHARED HER SEXUAL ABUSE WITH
16 OTHERS, AND PERHAPS THAT SHOULD BE THE NUMBER OF YEARS HE
17 SHOULD SPEND?

18 ALL OF THE RESEARCH, YOUR HONOR, SUGGESTS VERY
19 STRONGLY THAT THIS CHILD IS GOING TO SUFFER UNTIL THE DAY SHE
20 DIES. IF YOU WOULD TAKE A FAIRLY NORMAL LIFE SPAN AND SAY THE
21 CHILD WILL LIVE TO 80, THAT IS 70 YEARS FROM RIGHT NOW. THAT
22 SEEMS AN APPROPRIATE SENTENCE BECAUSE OF WHAT HE HAS DONE.
23 SIMPLY BECAUSE OF THE OFFENSE COMMITTED, 70 YEARS SEEMS A
24 REASONABLE SENTENCE. WE HAVE MORE THAN THAT. WE HAVE HIS OWN
25 BEHAVIOR IN SHARING THESE IMAGES ACROSS THE WORLD. WE HAVE HIS

1 OWN ACTION CONDUCT WITH HIS OWN DAUGHTER TO CONSIDER AS WELL.

2 YOU SAW IN THE LETTER THAT THE THERAPIST SENT THAT IS
3 TREATING THE CHILD, THAT EVEN WITH CONSTANT TREATMENT AND
4 COUNSELING, THE CHILD MAY NEVER RECOVER. SHE MAY NEVER BE ABLE
5 TO DEAL WITH WHAT THE DEFENDANT HAS DONE TO HER. WHILE HE
6 COMES INTO COURT TODAY AND HANGS HIS HEAD, WHICH HE IS DOING
7 NOW, HANGS HIS HEAD AS IF IN SHAME, I WOULD REMIND THE COURT HE
8 SHOWED NO SHAME IN ASSAULTING THIS CHILD ON THE VIDEOS THAT
9 YOU, UNFORTUNATELY, LIKE THE GOVERNMENT AND THE INVESTIGATORS
10 IN THIS CASE HAD TO LOOK AT. HE SHOWED NO SHAME.

11 THERE WAS NEVER ANY HESITATION WHEN HE FORCED THE
12 CHILD TO COMMIT ORAL SODOMY OF HIM. THERE WAS NEVER ANY
13 HESITATION WHEN HE CLIMBED HIS LARGE BOTTOM A TOP THE
14 9-YEAR-OLD GIRL TO PENETRATE HER ANUS AND HER VAGINA. HE
15 SHOWED NO SHAME.

16 HIS SHAME HERE, I WOULD ARGUE TO THE COURT, YOUR
17 HONOR, IS MERELY CONVENIENT AND IT IS MERELY BECAUSE HE HAS
18 BEEN CAUGHT. THERE IS ABSOLUTELY NOTHING TO SHOW IN ANY WAY
19 DURING HIS TREATMENT OF THIS CHILD IN FIVE YEARS THAT THE
20 DEFENDANT HAD ANY REGRET; HAD ANY REMORSE, OR SHOWED ANY SHAME
21 FOR WHAT HE HAS DONE TO HER. SHE WILL SUFFER EVERYDAY FOR THE
22 NEXT 70 YEARS, IF SHE DOESN'T TAKE HER OWN LIFE. IF SHE LIVES
23 FOR 70 YEARS, SHE WILL SUFFER EVERYDAY. IT SEEMS PARTICULARLY
24 APPROPRIATE THAT THE DEFENDANT SHOULD PAY FOR HIS CRIME FOR AS
25 LONG AS THE CHILD IS GOING TO PAY FOR HIS CRIME, BECAUSE THAT

1 IS WHAT WE HAVE HERE. IT IS ONLY THE DEFENDANT WHO SHOULD BE
2 PAYING, UNFORTUNATELY, THE CHILD TOO MUST PAY.

3 SO I WOULD ARGUE THAT 70 YEARS IS A MORE THAN
4 REASONABLE SENTENCE IN THIS CASE. IT IS CERTAINLY CORRECTLY
5 CALCULATED UNDER THE GUIDELINES. GIVEN THE IMMENSE,
6 INCALCULABLE, AND INEXPLICABLE SUFFERING HE HAS FORCED ON THIS
7 CHILD, 70 YEARS IS A REASONABLE SENTENCE.

8 THANK YOU.

9 THE COURT: MR. DODGE.

10 MR. DODGE: THANK YOU, JUDGE.

11 JUDGE, WE DON'T ASK YOU FOR A GIFT. WE DON'T ASK YOU
12 FOR ABSOLUTION. EVEN UNDER MY PROPOSAL, MR. HUSKEY WOULD GET A
13 STEEP, EXTRAORDINARY LONG TERM IN A FEDERAL PRISON. AND UPON
14 HEARING THE FACTS OF THIS CASE, IT IS HUMAN NATURE TO HAVE A
15 KNEE-JERK REACTION TO THINK LET'S GIVE THIS MAY EVERY DAY THAT
16 WE CAN IN PRISON. WE JUST HEARD AN EXAMPLE OF THAT REACTION A
17 MOMENT AGO WHEN THE GOVERNMENT GAVE WHAT IN EFFECT WAS A
18 CLOSING ARGUMENT, BUT, OF COURSE, THE COURT IS AN IMPARTIAL
19 ARBITER ABOUT WHAT IS FAIR HERE, AND I HAVE SEEN THESE VIDEOS
20 AS WELL. I AM A PARENT, AND I RECOGNIZE THE SHOCKING NATURE OF
21 THE CASE.

22 THERE ARE A NUMBER OF COMPELLING REASONS WHY THIS
23 COURT SHOULD SENTENCE MR. HUSKEY TO NO MORE THAN 30 YEARS IN
24 TREATING THE THREE COUNTS OF CONVICTION CONCURRENTLY RATHER
25 THAN CONSECUTIVELY. AND I WILL NOT REPEAT MYSELF, AND I

1 APPRECIATE THE COURT READING THE SENTENCING MEMO, BUT I WANT TO
2 HIT SOME HIGHLIGHTS.

3 I BELIEVE THAT CONGRESS' FRAMEWORK SHOWS THAT EVEN
4 CONGRESS INTENDS A SENTENCE OF 30 YEARS IN A CASE SUCH AS THIS.
5 CONGRESS KNEW WHAT ITS OPTIONS WERE WHEN IT SAID THAT A PERSON
6 WHO MANUFACTURES CHILD PORNOGRAPHY AND DISTRIBUTES IT AROUND
7 THE WORLD SHALL BE SENTENCED BETWEEN 15 AND 30 YEARS. CONGRESS
8 COULD HAVE SAID A LIFE SENTENCE WAS APPROPRIATE, AS IT DOES IN
9 MANY CRIMES, BUT IT DID NOT.

10 THERE ARE A COUPLE OF GOOD REASONS FOR THAT. ONE IS
11 THAT THE COURT HERE NEEDS TO ADDRESS THE FEDERAL INTEREST AT
12 STAKE AND THAT IS THAT THE CREATION OF IMAGES AND USE OF THE
13 INTERNET, AND THE HARM THAT CREATES AS MS. HAKES ELOQUENTLY
14 DISCUSSED A MOMENT AGO. AND 30 YEARS IS CERTAINLY REASONABLE
15 FOR THAT.

16 THERE IS ANOTHER FORUM WAITING OUT THERE TO DETERMINE
17 MR. HUSKEY'S FATE WHEN THIS CASE IS DONE, AND THAT IS THE STATE
18 COURT IN WALKER COUNTY. THE STATE COURTS ARE WELL EQUIPPED,
19 VERY EXPERIENCED AT TRYING, PROSECUTING PEOPLE FOR SEXUAL ABUSE
20 CRIMES JUST SUCH AS THIS, AND IT WILL HAVE AN OPPORTUNITY WHEN
21 THIS COURT IS DONE WITH ITS SENTENCE.

22 AS I SAY IN MY SENTENCING MEMORANDUM, WHILE IT IS
23 ATTEMPTING TO WANT TO THROW THE BOOK AT MR. HUSKEY HERE FOR THE
24 ABUSE, WHAT THIS CASE IS ABOUT IS TURNING ON THE CAMERA AND
25 UPLOADING THE IMAGES ON THE INTERNET. ABUSE IS CERTAINLY PART

1 AND PARCEL OF THAT, BUT THAT IS NOT THE CENTER OR THE FOCUS OF
2 FEDERAL JURISDICTION AS THE COURTS KNOWS BETTER THAN I.

3 MR. HUSKEY'S RESPONSIBILITY, ACCEPTANCE OF
4 RESPONSIBILITY HAS BEEN A REMARKABLE. FROM THE MOMENT THE
5 AGENTS KNOCKED ON HIS DOOR SEVEN MONTHS AGO, HE HAS DONE
6 EVERYTHING HE CAN TO STOP THE DAMAGE, TO PREVENT THESE CRIMES
7 FROM BEING EXACERBATED. HE IMMEDIATELY CONFESSED HIS CRIME,
8 GAVE PERMISSION TO THE AGENTS TO SEARCH HIS HOUSE, TAKE HIS
9 COMPUTER. HE TOLD THEM THERE IS AN EXTERNAL HARD DRIVE WHERE I
10 KEEP THESE IMAGES; HERE IS THE CAMERA THAT I USED TO RECORD
11 THEM, AND YOU'VE GOT ME.

12 WHILE MS. HAKES CLAIMS HIS ACCEPTANCE IS PRO FORMA,
13 WHAT CHOICE DID HE HAVE? HE WAS CAUGHT DEAD TO RIGHT. THIS
14 COURT AGAIN KNOWS BETTER THAN I DO, THAT JUST BECAUSE A
15 DEFENDANT IS CAUGHT DEAD TO RIGHT DOESN'T MEAN HIS BEHAVIOR
16 AFTERWARDS IS GOING TO SHOW ACCEPTANCE OF RESPONSIBILITY AS WE
17 OFTEN SEE IN THIS COURTHOUSE. PEOPLE DENY THEIR GUILT; THEY
18 TRY TO FLEE; THEY TRY TO RESIST ARREST; THEY TRY TO CONTACT
19 WITNESSES OR MANIPULATE THOSE WITNESSES OR THREATEN THEM; THEY
20 INSIST ON FILING EVERY PRETRIAL MOTION EVER INVENTED; THEY
21 INSIST ON GOING TO TRIAL IN THE FACE OF STEEP ODDS, AND CARRY
22 THOSE PROTRACTED APPEALS THROUGH THE COURTS FOR YEARS.
23 MR. HUSKEY DID NONE OF THOSE THINGS. FROM DAY ONE HE HAS
24 CONCEDED WHAT HE HAS DONE AND DONE HIS BEST NOT TO MAKE IT
25 WORSE.

1 AS THE COURT KNOWS, THE SENTENCING GUIDELINES ARE NO
2 LONGER MANDATORY AND IN FACT THEY ARE NOT EVEN PRESUMPTIVELY
3 REASONABLE, AND I DISCUSS THOSE CASES IN MY BRIEF. THE
4 ELEVENTH CIRCUIT HAS MADE CLEAR THE GUIDELINE RANGE IS NOT PER
5 SE AND NOT PRESUMPTIVELY REASONABLE AND THERE ARE CASES AND I
6 CITE SOME IN MY BRIEF WHERE THE ELEVENTH CIRCUIT HAS SAID A
7 GUIDELINE SENTENCE, A BELOW GUIDELINE SENTENCE CAN BE
8 REASONABLE IN A GIVEN CASE, AND THIS IS JUST SUCH A CASE.

9 MR. HUSKEY DID MAKE EFFORTS TO ASSIST THE GOVERNMENT
10 IN TRACKING DOWN OTHER PEOPLE WHO ARE TRAFFICKING IN
11 PORNOGRAPHY. AND MS. HAKES DERIDES HIS INABILITY TO GIVE THEM
12 A NAME, ADDRESS, PHONE NUMBER, DATE OF BIRTH, PHOTOGRAPH OF
13 THESE OTHER MEN AND/OR WOMEN. HE DID WHAT HE COULD. I WAS
14 IN THAT MEETING FOR SEVERAL HOURS DOWN THE HALL, AND THE COURT
15 HAS SEEN IN THE PSR AND CAN'T BE SURPRISED TO HEAR THAT OTHER
16 PEOPLE WHO SOLICIT PORNOGRAPHY AND TRANSFER IT AROUND THE
17 COUNTRY AND AROUND THE WORLD, THEY DON'T WANT THEIR IDENTITY
18 KNOWN. THEY HIDE THEIR IDENTITY, AND CONCEAL THEMSELVES EVEN
19 FROM THE PEOPLE THEY ARE COORDINATING WITH ON THE INTERNET.
20 AND MR. HUSKEY DID GIVE THE AGENTS TO THE EXTENT THAT HE COULD
21 THE FIRST NAME THAT HE KNEW SOMEBODY BY; A COUNTRY HE THOUGHT
22 THE PERSON LIVED IN; AND IT OBVIOUSLY WAS NOT ENOUGH TO OUR
23 GREAT REGRET. HE COULD HAVE CHOSEN NOT TO DO THAT; HE MADE THE
24 EFFORT TO DO THAT, AND OUGHT TO BE REWARDED FOR THAT.

25 I STAND BY MY DESCRIPTION OF MR. HUSKEY'S LIFE WITH

1 THE GLARING EXCEPTION OF THESE CRIMES AS HONORABLE. HE IS IN
2 HIS LATE THIRTIES. HE HAS RAISED A FAMILY. HE HAS WORKED. HE
3 HAS AN EXTENDED FAMILY WHO IS IN COURT HERE TODAY, PARENTS,
4 AUNTS AND UNCLES, SISTER, BROTHER-IN-LAW. ALL OF WHOM CONTINUE
5 TO SUPPORT HIM WHICH SPEAKS VERY WELL OF HIM.

6 I AM SAD TO SAY I OFTEN COME INTO COURT AT SENTENCING
7 HEARINGS WITH NO ONE BEHIND US, AND THE FACT THEY ARE STICKING
8 BY HIM THROUGH THIS EXTRAORDINARY CASE IS REMARKABLE.

9 THE COURT HAS SEEN A SUMMARY OF MR. HUSKEY'S LIFE AND
10 I WON'T REPEAT EVERYTHING IN THERE, BUT IT IS WITHOUT A DOUBT A
11 SHOCK TO EVERYONE WHO KNEW HIM, INCLUDING HIS WIFE, WHOSE
12 LETTER I THOUGHT WAS -- WELL, IT WAS CLEARLY HONEST AND FROM
13 THE HEART AND SHE IS OUTRAGED AND BAFFLED WITH VERY GOOD
14 REASON. EVEN SHE MENTIONS IN HER LETTER THAT MR. HUSKEY HAD
15 SEEMED SO PROTECTIVE TOWARD THE KIDS AND THE ADULTS AT THE REC
16 CENTER WHERE HE TAUGHT TENNIS; THAT HE STOOD IN CHURCH; HE
17 HELPED CHILDREN'S BIBLE LESSONS; AND WAS FOR ALL INTENTS AND
18 PURPOSES APPEARED TO BE AN HONORABLE MAN BUT FOR WHAT WE NOW
19 KNOW IS THIS HORRIBLE CRIME.

20 WITH ALL OF THAT SAID, JUDGE, A CONCURRENT SENTENCE
21 ON EACH OF THESE THREE IS THE REASONABLE AND APPROPRIATE
22 SENTENCE. THE GOVERNMENT IS ASKING FOR EVERY DAY IT CAN GET
23 BUT, OF COURSE, THE COURT IS IMPARTIAL AND IT IS UP TO THE
24 COURT MORE THAN ANY OF US TO DECIDE WHAT IS REASONABLE. I
25 CANNOT PINPOINT A SPECIFIC NUMBER OF YEARS. THAT IS BEYOND MY

1 ABILITY, JUDGE, BUT I DO KNOW THAT 30 YEARS AT THE HIGH END IS
2 CERTAINLY MORE THAN ENOUGH.

3 THE COURT: MR. HUSKEY, YOU WANT TO SAY ANYTHING?

4 THE DEFENDANT: NO, SIR.

5 MR. DODGE: MR. HUSKEY, JUDGE, HAS ASKED ME TO JUST
6 SPEAK ON HIS BEHALF AND LET THE COURT DO AS IT WILL.

7 THE COURT: ALL RIGHT.

8 ALL RIGHT. COUNSEL, IF YOU AND MR. HUSKEY WILL STEP
9 UP HERE TO THE PODIUM. TWO OBSERVATIONS I WOULD LIKE TO MAKE.
10 ONE IS, OBVIOUSLY THE INVESTIGATING OFFICERS DID AN OUTSTANDING
11 JOB IN THIS CASE. AND I FEEL FOR YOU, MR. DODGE, TO BE HONEST
12 WITH YOU. I THINK YOU HAVE DONE THE BEST YOU CAN WITH WHAT YOU
13 HAD.

14 I HAVE BEEN ON THE BENCH AS A TRIAL JUDGE FORTY YEARS
15 IN JANUARY, AND I HAVE HAD -- SIX YEARS BEFORE THAT AS DISTRICT
16 ATTORNEY AND I HAD ONE OTHER CASE THAT I WOULD SAY WAS PROBABLY
17 WORSE THAN THIS ONE TO BE HONEST WITH YOU. AND THE FELLOW GOT
18 THE DEATH PENALTY IN IT THAT UNFORTUNATELY FELL BY SOME
19 DECISIONS OF THE SUPREME COURT WHICH SET ASIDE THE DEATH
20 PENALTY, FURMAN VS. GEORGIA.

21 ANYWAY, IN THIS CASE, I HAVE LOOKED AT IT HARD AND
22 LONG. PROBATION DID A GOOD JOB IN GETTING UP THE REPORT. IN
23 THIS CASE, THE DEFENDANT IS CHARGED IN COUNT ONE WITH
24 MANUFACTURING CHILD PORNOGRAPHY; COUNTS TWO AND THREE CHARGED
25 WITH -- IN TWO WITH RECEIPT OF CHILD PORNOGRAPHY AND

1 DISTRIBUTION IN COUNT THREE OF CHILD PORNOGRAPHY AND A PLEA OF
2 GUILTY WAS ENTERED IN NOVEMBER IN THIS CASE.

3 STATUTORY PENALTY PROVIDED FOR THIS IN COUNT ONE IS
4 15 TO 30 YEARS; \$250,000 FINE; COUNT TWO, 5 TO 20 YEARS; COUNT
5 THREE IS 5 TO 20 YEARS AND \$250,000 ON EACH.

6 THE TOTAL OFFENSE LEVEL THAT HAS BEEN CALCULATED IS
7 45.

8 THE CRIMINAL HISTORY CATEGORY IS ONE.

9 THE GUIDELINE RANGE IS 840 MONTHS.

10 THE GUIDELINE RANGE REALLY IS LIFE IMPRISONMENT, BUT
11 THE STATUTORY PROVISIONS IN THIS CASE DO NOT CARRY A MAXIMUM
12 TERM OF LIFE IMPRISONMENT AND THE TOTAL PUNISHMENT IS 840
13 MONTHS.

14 FINE GUIDELINE RANGE IS NOT MATERIAL.

15 RESTITUTION IS \$12,026.02.

16 SPECIAL ASSESSMENT \$300.

17 COST OF CONFINEMENT AND SUPERVISION IS REALLY NOT
18 APPLICABLE IN THIS CASE.

19 PROBATION IS NOT AN OPTION.

20 SUPERVISED RELEASE NOT LESS THAN 5 YEARS, NO MORE
21 THAN LIFE.

22 ALL RIGHT. PURSUANT TO THE SENTENCING REFORM ACT OF
23 1984, IT IS THE JUDGMENT OF THE COURT THAT THE DEFENDANT, JAMES
24 B. HUSKEY, IS HEREBY COMMITTED TO THE CUSTODY OF THE BUREAU OF
25 PRISONS TO BE IMPRISONED FOR A TERM OF 360 MONTHS ON COUNT ONE;

1 240 MONTHS ON COUNT TWO TO BE SERVED CONSECUTIVE TO COUNT ONE;
2 240 MONTHS ON COUNT THREE TO BE SERVED CONSECUTIVE TO COUNTS
3 ONE AND TWO, WHICH MAKES A TOTAL SENTENCE OF 840 MONTHS.

4 DEFENDANT IS FURTHER ORDERED TO PAY A SPECIAL
5 ASSESSMENT TO THE UNITED STATES IN THE SUM OF \$300. IT IS
6 FURTHER ORDERED, THE DEFENDANT MAKE RESTITUTION TO SHERRI
7 JACKSON ON BEHALF OF THE MINOR VICTIM IN THE AMOUNT OF
8 \$12,026.02. RESTITUTION IS DUE IMMEDIATELY.

9 THE COURT FINDS THE DEFENDANT DOES NOT HAVE THE
10 ABILITY TO PAY A FINE, COST OF INCARCERATION, OR SUPERVISION.
11 THE COURT WILL WAIVE THE FINE, COST OF INCARCERATION, AND COST
12 OF SUPERVISION.

13 IF THE DEFENDANT IS RELEASED FROM IMPRISONMENT, HE
14 SHALL BE PLACED ON SUPERVISED RELEASE FOR THE REMAINDER OF HIS
15 NATURAL LIFE ON EACH OF COUNTS ONE, TWO, AND THREE AND SHALL
16 WITHIN 72 HOURS OF RELEASE FROM CUSTODY OF THE BUREAU OF
17 PRISONS REPORT IN PERSON TO THE PROBATION OFFICE IN THE
18 DISTRICT TO WHICH HE SHALL HAVE BEEN RELEASED.

19 WHILE ON SUPERVISED RELEASE, THE DEFENDANT SHALL NOT
20 COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME. SHALL COMPLY
21 WITH THE STANDARD CONDITIONS THAT HAVE BEEN ADOPTED BY THIS
22 COURT, AND SHALL COMPLY WITH THE FOLLOWING ADDITIONAL
23 CONDITIONS.

24 THE DEFENDANT SHALL NOT OWN, POSSESS, OR HAVE UNDER
25 HIS CONTROL ANY FIREARM, DANGEROUS WEAPON, OR OTHER DESTRUCTIVE

1 DEVICE.

2 ACCORDING TO UNITED STATES LAW SET OUT IN TITLE 18,
3 UNITED STATES CODE, SECTION 3583(D) THE DEFENDANT SHALL SUBMIT
4 HIS PERSON AND ANY PROPERTY, HOUSE, RESIDENCE, VEHICLE, PAPERS,
5 COMPUTER OR OTHER ELECTRONIC COMMUNICATION OR DATA STORAGE
6 DEVICES OR MEDIA IN EFFECT TO A SEARCH AT ANY TIME WITH OR
7 WITHOUT A WARRANT BY ANY LAW ENFORCEMENT OR PROBATION OFFICER
8 WITH REASONABLE SUSPICION CONCERNING A VIOLATION OF A CONDITION
9 OF PROBATION OR UNLAWFUL CONDUCT BY THE PERSON AND BY ANY
10 PROBATION OFFICER IN THE LAWFUL DISCHARGE OF THAT SUPERVISION
11 FUNCTION -- OF HIS SUPERVISION FUNCTION.

12 THE DEFENDANT SHALL PERMIT CONFISCATION AND DISPOSAL
13 OF ANY MATERIAL CONSIDERED CONTRABAND OR ANY OTHER ITEM WHICH
14 MAY BE DEEMED TO HAVE EVIDENTIARY VALUE RELATED TO THE
15 VIOLATION OF SUPERVISION.

16 PURSUANT TO UNITED STATES CODE, TITLE 42, SECTION
17 14135(A) (D) (1), AND 10 UNITED STATES CODE, SECTION 1565(D)
18 WHICH REQUIRES MANDATORY DNA TESTING FOR FEDERAL OFFENDERS
19 CONVICTED OF FELONY OFFENSES.

20 THE DEFENDANT SHALL COOPERATE IN THE COLLECTION OF
21 DNA AS DIRECTED BY THE PROBATION OFFICE.

22 AFTER -- IF THE DEFENDANT ENTERS UPON SUPERVISED
23 RELEASE, HE SHALL MAKE REGULAR MONTHLY PAYMENTS TOWARD ANY
24 OUTSTANDING RESTITUTION AT A RATE TO BE SET IN ACCORDANCE WITH
25 COURT APPROVED PAYMENT SCHEDULE, BUT IN NO EVENT LESS THAN \$200

1 MONTHLY.

2 THE DEFENDANT SHALL MAKE A FULL AND COMPLETE
3 DISCLOSURE OF FINANCES, AND SUBMIT TO AN AUDIT OF FINANCIAL
4 DOCUMENTS AT THE REQUEST OF THE UNITED STATES PROBATION OFFICE
5 UNTIL THE RESTITUTION IS PAID IN FULL.

6 I HAVE CONSIDERED SECTION 3553 IN THIS MATTER AND ALL
7 OF ITS PARTS. I THINK CERTAINLY THE PUNISHMENT IS ADEQUATE OR
8 I HOPE IT IS. THERE IS A NEED TO INCAPACITATE THIS DEFENDANT
9 AND TO PREVENT ANY FUTURE CRIMINAL ACTIVITY ON HIS PART.

10 I HAVE CONSIDERED THE SERIOUS NATURE OF THE
11 DEFENDANT'S OFFENSES AND THE VIOLENT NATURE OF THE DEFENDANT
12 OFFENSES. I HAVE CONSIDERED THE LENGTH OF TIME OVER WHICH THE
13 ABUSE HAPPENED. I HAVE CONSIDERED THE AGE OF THE VICTIM WHEN
14 THE ABUSE STARTED. I HAVE CONSIDERED THAT THERE WAS A SHARING
15 OF INFORMATION BY THE INTERNET WITH OTHER PEOPLE AND OTHER
16 SEXUAL PREDATORS. I HAVE CONSIDERED THERE WAS A CONSIDERABLE
17 COLLECTION OF DIGITAL IMAGES. I DON'T REMEMBER THE EXACT
18 NUMBER. I BELIEVE THAT THIS LENGTH OF SENTENCE WHILE I
19 ACKNOWLEDGE AND I DON'T HAVE ANY QUALMS THE FACT THIS IN EFFECT
20 APPEARS TO BE A LIFE SENTENCE, NO QUESTION ABOUT IT, THAT THE
21 PUBLIC NEEDS TO BE PROTECTED FROM MR. HUSKEY.

22 MR. HUSKEY, YOU HAVE A RIGHT TO APPEAL THE CAUSE MADE
23 AGAINST YOU, AND YOU HAVE A RIGHT TO APPEAL MY SENTENCE AND
24 MR. DODGE OR SOMEONE IN HIS OFFICE WILL REPRESENT YOU ON ANY
25 APPEAL, IF YOU DECIDE TO APPEAL.

1 NOW, MR. DODGE, YOU HAVE OTHER THAN WHAT YOU SAID ANY
2 OBJECTIONS TO THE SENTENCE?

3 MR. DODGE: FOR THE RECORD, JUDGE, I OBJECT THAT THE
4 SENTENCE IS NOT REASONABLE SUBSTANTIVELY AND PROCEDURALLY, AND
5 I ALSO OBJECT THAT IT VIOLATES THE CRUEL AND UNUSUAL PUNISHMENT
6 PROHIBITION IN THE CONSTITUTION.

7 THE COURT: ALL RIGHT. WILL YOU HANDLE THE APPEAL,
8 OR SOMEONE ELSE?

9 MR. DODGE: YES, JUDGE, I WILL BE GLAD TO DO IT.

10 THE COURT: GOOD ENOUGH. ALL RIGHT. MARSHAL, YOU
11 CAN TAKE THE DEFENDANT.

12 ALL RIGHT. THANK YOU KINDLY.

13 MR. DODGE: THANK YOU, JUDGE.

14 THE COURT: COURT WILL BE IN RECESS.

15 (RECESS TAKEN)

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1 C E R T I F I C A T E

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3 UNITED STATES OF AMERICA

4 NORTHERN DISTRICT OF GEORGIA

5 I, KIMBERLY C. BRAMLETT, OFFICIAL COURT REPORTER OF
6 THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
7 GEORGIA, DO HEREBY CERTIFY THAT THE FOREGOING 24 PAGES
8 CONSTITUTE A TRUE TRANSCRIPT OF PROCEEDINGS HAD BEFORE THE SAID
9 COURT, HELD IN THE CITY OF ROME, GEORGIA, IN THE MATTER THEREIN
10 STATED.

11 IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND ON THIS,
12 THE 23RD DAY OF MARCH, 2009.

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16 _____
KIMBERLY C. BRAMLETT
17 OFFICIAL COURT REPORTER
NORTHERN DISTRICT OF GEORGIA

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